UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/319/Add.3
29 April 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic report of States parties due in 1997

Addendum

Tonga*

[27 March 1997]

I. GENERAL

1. The International Convention on the Elimination of All Forms of Racial Discrimination is recognized by the Government of the Kingdom of Tonga. However, the Convention has yet to be incorporated by the Legislative Assembly as part of the Laws of Tonga.

2. The Constitution of Tonga is the basis of the Government for the Kingdom, and appropriately it has been incorporated as law under the Act of Constitution of Tonga (Cap. 2). Part I deals with the Declaration of Rights and thus the Act expressly guarantees and protects fundamental human rights of the individual. In so doing, the Act thus establishes a legal framework which expressly discourages and prohibits any form of racial discrimination.

---

* This document contains the eleventh, twelfth and thirteenth periodic reports, submitted in one document, due on 17 March 1993, 1995 and 1997, respectively. For the tenth periodic report of Tonga and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/209/Add.5 and CERD/C/SR.1006.

3. The political structure of Tonga is also provided for by the Constitution. The Government is divided into the three traditional organs of the Executive, the Legislative Assembly and the Judiciary.

4. The official figures on the demographic composition of the Kingdom are still based on the 1986 census which were presented in the ninth and tenth reports. There was a census in 1996; however, the official figures had not been released on the date of submission of this report. The table below contains the figures from the 1986 census:

Total	Kingdom of Tonga	Tongatapu	Vava'u	Ha'apai	'Eua	Niuas
	96 649	63 794	15 175	8 919	4 393	2 368
Tongan	90 364	60 745	14 346	8 665	4 297	2 311
Part Tongan	2 685	1 752	608	198	80	47
European	775	598	139	27	7	4
Indian	98	92	3	1	1	1
Other Pacific Islander	334	258	48	19	4	5
Asian	143	135	5	3	-	-
Other	50	49	1	-	-	-
Not stated	200	165	25	6	4	-

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

5. The Kingdom has no express policy on the elimination of racial discrimination, but as outlined above, the Constitution expressly prohibits the practice of racial discrimination. Therefore, the Kingdom recognizes the importance of the enjoyment and exercise, on an equal footing, of human rights and fundamental freedoms in all aspects of public life.

6. The ethnic characteristics of the country are homogeneous. Further, the Government possesses no information on ethnic differences.

7. The following are the provisions in the laws of Tonga referred to in this report:

Constitution of Tonga: (Cap. 3):

Clause 1:

Since it appears to be the will of God that man should be free as He has made all men of one blood therefore shall the people of Tonga and all who sojourn or may sojourn in this Kingdom be free for ever. And all

men may use their lives and persons and time to acquire and possess property and to dispose of their labour and the fruit of their hands and to use their own property as they will.

Clause 2:

No person shall serve another against his will except he be undergoing punishment by law and any slave who may escape from a foreign country to Tonga (unless he be escaping from justice being guilty of homicide or larceny or any great crime or involved in debt) shall be free from the moment he sets foot on Tongan soil for no person shall be in servitude under the protection of the flag of Tonga.

Clause 4:

There shall be but one law in Tonga for chiefs and commoners or non-Tongans and Tongans. No laws shall be enacted for one class and not for another class but the law shall be the same for all the people of this land.

Article 2

8. The following are the legislative, judicial, administrative and other measures which give effect to the provisions of article 2:

(a) The Act of the Constitution of Tonga as passed by the Legislative Assembly expressly prohibits the practice of racial discrimination;

(b) There is no specific legal provision which restricts the sponsorship of persons or organizations that are racially discriminatory because no such organizations exist in Tonga;

(c) The method of amending or nullifying legislation which is racially discriminatory can be made through the Legislative Assembly through the recommendation of the Executive branch. Since the last report there have been no such amendments relating to legislative provisions that are racially discriminatory;

(d) The measures available for the elimination of racial discrimination can be made through the Judiciary and local law enforcement;

(e) Measures taken to encourage integrationist multiracial organizations have been encouraged by allowing non-Tongans to participate in schools, business, religion and other aspects of public life.

9. All racial groups can participate with Tongans in normal everyday activities relating to education, business, religion, cultural activities and other activities in public life.

Article 3

10. Racial segregation and apartheid are expressly prohibited under the Constitution of Tonga as they are contrary to the provisions relating to liberty and freedom outlined above.

11. Diplomatic relations with South Africa have become more active, particularly since South Africa has gone through constitutional and political changes which resulted in the fall of the apartheid system in 1993 and the birth of a new democratic nation. As mentioned in the last report, the ties with South Africa will mainly be in the sporting field, particularly rugby union. Since the last report, this has in fact been the case. In July 1995 Tonga participated in the Third Rugby World Cup in South Africa. In June 1997 the Tongan National Rugby Team is scheduled to play an international test with the world champions, the South African Springboks, the first time ever for the two nations to play on the international scene. Even though the contact with South Africa will mainly be in the sports field, relations in other fields are envisaged.

Article 4

12. Tonga is racially and ethnically homogeneous and so racial discrimination seems to be non-existent. Thus, there are no specific measures which relate to the eradication of the incitement to or acts of racial discrimination, except for the provisions that are provided for by the Act of Constitution of Tonga mentioned above.

13. There have been no legislative, judicial or administrative measures taken in respect of article 4 (a) and (b) since the eighth report.

Article 5

14. The Act of Constitution of Tonga provides for the rights as outlined in paragraphs (a), (b) and (d)-(f), except paragraph (c) which relates to the right to participate in elections, a right which is reserved for Tongan nationals.

Article 6

15. An individual can bring a complaint that is racially oriented to the Judiciary where it can be competently dealt with. The Judiciary in the Kingdom is a three-tier adversarial system, composed of the Magistrates Court, the Supreme Court and the Court of Appeal. Appearance in such courts is open to all regardless of racial background.

16. Under the Act of Constitution of Tonga, section 4 provides that there shall be one law for all Tongans and non-Tongans. Thus, every individual may come before any of the courts that compose the Judiciary without any restrictions.

17. There have not been any court decisions on any cases relating to racial discrimination since the last report.

Article 7

Eduction and teaching

18. Although there are no specific measures that promote the teaching of racial discrimination in the schools, both government and non-government schools recognize and promote the importance of the protection of human rights and the condemnation of racial discrimination.

19. Schools in Tonga actively recognize and participate in International Human Rights Day and its activities such as essay competitions.

20. Thus, the education system as a whole recognizes the purposes and principles of the Charter of the United Nations and all the related United Nations international instruments that deal with human rights and the abolition of racial discrimination.

Culture

21. Tongan culture has a rich traditional Polynesian heritage, and Tongan people are always prepared to express and share their culture with non-Tongans. The Government has recognized the importance and influence that Tongan culture plays in everyday life in Tonga. This is the reason for the establishment of the Tonga National Center, which promotes and demonstrates Tongan culture to non-Tongan visitors and residents. Non-Tongans are also invited to partake in traditional dancing, food preparation and ceremonies. The Center also provides cultural groups which tour overseas countries to promote Tongan culture, and at the same time absorb foreign cultures. Overall, the Center's activities implement and encourage intranational relationships between countries, racial and ethnic groups. However, the sharing of culture is widespread throughout the Kingdom, and in all aspects of public life.

22. In Tonga there is no specific need for an ad hoc organization to be established to combat racism because racial discrimination, as asserted above, is practically non-existent. Moreover, the Government, as mentioned above, endorses International Human Rights Day and other campaigns relating to the elimination of racial discrimination.

Information

23. The government newspaper and radio services continually provide information on human rights issues and on current issues relating to racial discrimination. Thus, the Government, through this service, attempts to inculcate the purposes and principles of the United Nations instruments mentioned above.

24. The mass media, including private television stations, newspapers and radio, also participate in the publication and dissemination of information relating to world affairs and the United Nations, thus covering information on the principles and purposes of the United Nations instruments mentioned above.